

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ZACHARY ALLAN HENSLEY,  
KEITH WAYNE HENSLEY and JUNIOR  
MITCHELL HENSLEY, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AMY LAWS,

Respondent-Appellant.

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UNPUBLISHED  
September 11, 2003

No. 241900  
Monroe Circuit Court  
Family Division  
LC No. 98-013501-NA

Before: Bandstra, P.J., and White and Donofrio, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g) and (j). We affirm.

This Court reviews the trial court's findings of fact under the clearly erroneous standard. *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003); MCR 5.974(I).<sup>1</sup> A finding of fact is clearly erroneous when the reviewing court is left with a definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Deference must be given to the trial court's assessment of the credibility of the witnesses who appeared before it. *In re Newman*, 189 Mich App 61, 65; 472 NW2d 38 (1991).

The court assumed jurisdiction in this matter because of respondent's inappropriate discipline of the children and uncontrolled anger. Respondent was offered services to address these problems, but failed to successfully participate in therapy. She did not fully participate in counseling or demonstrate that she was emotionally stable to the point that she could control her behavior and properly discipline the children without harming them. Respondent also failed to comply with other aspects of her treatment plan, including obtaining employment and suitable

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<sup>1</sup> The court rules governing child protective proceedings were amended and recodified as part of new MCR subchapter 3.900, effective May 1, 2003. This opinion refers to the rules in effect at the time of the trial court's decision.

housing, and paying child support. The court did not clearly err in finding that although respondent had made efforts to be reunited with her children over the four years the court had been involved in the case, the statutory grounds for termination were established by clear and convincing evidence.

Further, the trial court did not clearly err in its determination of the children's best interests. *In re Trejo*, 462 Mich 341, 352-357; 612 NW2d 407 (2000). While the children were bonded to respondent, there was evidence that they had been severely harmed emotionally in the past and needed a very structured environment to prosper. It was clear that respondent could not provide the type of structure and discipline that the children required. Moreover, the children's therapist believed that they would be able to overcome any disappointment caused by the termination of respondent's parental rights. The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo, supra*. Thus, the court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Richard A. Bandstra

/s/ Helene N. White

/s/ Pat M. Donofrio